

October 6, 1997

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 6, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: Council Member Engelhard.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order and at this time, a proclamation was read proclaiming October 1997 as "Prayer Month" in the City of Durham. Also, the Mayor recognized visitors from Durham, England in attendance.

Mayor Kerckhoff asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell informed the council of two presentations to be given this evening: 1) An Alternate proposal for Solid Waste Disposal; and 2) A presentation from Diversitas, Inc. regarding the administrative audit.

Jeffrey Atkins, of Diversitas, Inc., presented a slide presentation on the methodology his firm would be utilizing with the City of Durham relative to the the administrative audit.

**SUBJECT: SOLID WASTE TRANSPORTATION AND DISPOSAL CONTRACT -
CONTAINER CORPORATION OF CAROLINA, INC.**

City Manager Ewell stated the administration was prepared to submit to council this evening a recommendation for solid waste disposal which was negotiated with Container Corporation of Carolina, Inc. Mr. Ewell presented a summary [outlined below] of the contract between the City and Allied Waste Industries and its subsidiary, Container Corporation of Carolina, Inc.

1. Location of Landfills (from Article 1.1(f))
2. Term of Contract (Article 2)
3. Transfer Station Operations (Article 4)
4. Acceptance of Municipal Solid Waste (Article 5.1 - 5.4)

- 1 -

October 6, 1997

5. Transport of Municipal Solid Waste (Article 5.5)
6. Disposal of Municipal Solid Waste (Article 5.6 - 5.10)
7. Fees for Transport and Disposal (Article 6)
8. Records (Article 7)
9. Insurance, Indemnification, and Bonds (Article 8)
10. Assignment and Transfer (Article 9)
11. Contractor's Default (Article 10.1 - 10.3)
12. City's Default (Article 10.4)
13. Miscellaneous (Article 11)
14. Youth Employment Programs (Article 12)

Nick Curtis, of the Budget Department, presented a slide presentation on the financial comparisons between a transfer facility vs. a landfill.

Nav Gill, of the Treasury Department, presented information on the financial condition of Allied Waste Industries.

Nancy Newell, of the Sanitation Department, briefed the council on her site visit to Brunswick Waste Management Facility located in Lawrenceville, Virginia.

City Manager Ewell briefed council on the risk factors associated with the contract.

City Manager Ewell recommended the following:

1. That the City Council authorize the City Manager to execute a five-year agreement with three five-year extension options on the part of the City with Container Corporation of Carolina for transportation and disposal of solid waste. Acceptance of this contract assumes that the City will operate a transfer station as the City's permanent solid waste facility.
2. That the City Council adopt the transfer station as the means of disposal for the community. There are two additional actions that the City Council needs to take in the near future. First, I recommend that the City Council direct the City Manager to discontinue the feasibility study on Site 12. Concerning Site 17A with the advice of the City Attorney, we will prepare a series of motions for the City Council to adopt that will implement the actions being recommended this evening.
3. That the City Council direct the staff to submit a report to the City Council in November outlining the operational changes required by the change in disposal

October 6, 1997

method. This report will address the placement of landfill employees.

MOTION by Council Member Clement seconded by Council Member Griffin to authorize the City Manager to execute a five-year agreement with three five-year extension options on the part of the City with Container Corporation of Carolina, Inc. for the transportation and disposal of solid waste; and

To direct the City Manager to discontinue the feasibility study on Site 12; and concerning Site 17A, with the advice of the City Attorney, a series of motions will be prepared for the City Council to adopt that will implement the actions being recommended; and

To direct the staff to submit a report to the City Council in November outlining the operational changes required by the change in disposal method [this report will address the placement of landfill employees] was approved at 9:06 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

The City Council thanked the City Manager and staff for their work on this project.

There were no priority items from the City Attorney/City Clerk.

Mayor Kerckhoff asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Brother Melvin Muhammad, a citizen, requested that Consent #3 be pulled. It was noted by the Mayor that Consent Items 8 and 17 were pulled at the Committee-of-the-Whole Meeting.

MOTION by Council Member Larson seconded by Council Miller to approve the Consent Agenda as amended was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[CONSENT AGENDA]

October 6, 1997

SUBJECT: ECONOMIC INVESTMENT POLICY

MOTION by Council Member Larson seconded by Council Member Miller to receive a report on the establishment of an Economic Investment Policy; and

To adopt a "Resolution Establishing the City of Durham Economic Development Investment Fund" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8398

SUBJECT: CITY BUSINESS ATTRACTION AND RETENTION UNIT

MOTION by Council Member Larson seconded by Council Member Miller to receive a report on the establishment of a City Business and Attraction and Retention Unit; and

To authorize the related job classifications which will allow staff to immediately begin recruitment efforts was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: CONTROLLED SUBSTANCE TAX DISTRIBUTION FUND PROJECT ORDINANCE FISCAL YEAR 1997-98

MOTION by Council Member Larson seconded by Council Member Miller to adopt "The City of Durham and State of North Carolina 'Controlled Substance Tax Distribution' Project Ordinance FY 1997/1998" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11263

SUBJECT: FEDERAL ASSET FORFEITURE FUND PROJECT ORDINANCE

October 6, 1997

FISCAL YEAR 1997/98

MOTION by Council Member Larson seconded by Council Member Miller to adopt "The City of Durham and U.S. Department of Justice 'Federal Asset Forfeiture Funds' Project Ordinance FY 1997/1998" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11264

SUBJECT: PROPOSED LEASE AGREEMENT WITH CB DURHAM INVESTORS, LLC, FOR POLICE DOMESTIC VIOLENCE UNIT, K-MART PLAZA (AVONDALE DRIVE)

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to 1) enter into a 12 and 1/2 month Lease Agreement with CB Durham Investors, LLC, for the rental of Space J, K-MART PLAZA, at a cost of \$200 per month; 2) execute, if any, Subordination Agreements and Estoppel Certificates required under the Lease Agreement; and 3) make changes as may seem desirable or appropriate to the City Manager, provided such changes do not materially affect the intent and purpose of the Lease was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: PAY PLAN UPDATE

MOTION by Council Member Larson seconded by Council Member Miller to receive a presentation from Human Resources regarding an update on the City's Pay Plan was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: PROPOSED AMENDMENT TO THE LICENSE AGREEMENT BETWEEN NORFOLK SOUTHERN RAILWAY COMPANY AND THE CITY OF DURHAM FOR THE INTERIM AMTRAK STATION

October 6, 1997

MOTION by Council Member Larson seconded by Council Member Miller to approve and authorize the City Manager to execute the amendment to the License Agreement between Norfolk Southern Railway Company and the City of Durham in connection with the expansion of the boarding ramp at the interim Amtrak facility, at no additional cost to the City was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: AUTHORIZATION TO EXPEND 1996 BOND FUNDS FOR ARCHITECTURAL SERVICES FOR RENOVATIONS TO THE COMMUNITY/FAMILY LIFE RECREATION CENTER AT LYON PARK

MOTION by Council Member Larson seconded by Council Member Miller to authorize the expenditure of \$441,698 of 1996 Bond Funds for architectural services for the Community/Family Life Recreation Center at Lyon Park subject to execution of a Municipal Grant Agreement was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: REALIGNMENT OF THE CITY'S HUMAN RELATIONS COMMISSION

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Amending Section 2-41(b) of the Durham City Code to Vary the Composition of the Human Relations Commission"--Section 2-41(b) amended to read as follows was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

"The City Council shall appoint the members of the Commission. The composition shall represent fairly the social, economic, gender, and ethnic composition of the population of the City. The membership shall be comprised of six (6) African-Americans, six (6) Whites, and three (3) members of other racial minority groups other than those listed above. In addition, both genders shall be equally

October 6, 1997

represented but neither by more than 53%. When the City Council is unable to apportion appointments to the Commission in the Ordinance's stated composition, those vacancies will be held until such time as appropriate candidates are identified and appointed."

To further promote diversity in the City of Durham by promoting the change, encouraging all of the various minorities to participate by applying this to the Human Relations Commission and other boards, committees, and commissions sponsored by the City.

Ordinance #11265

SUBJECT: ANNUAL MAINTENANCE AGREEMENT FOR TELEPHONE KEY SYSTEMS - GTE SOUTH

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a maintenance agreement for telephone key systems with GTE South in the amount of \$35,103.48 was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: INCREASES TO WATER AND SEWER CAPITAL FACILITY FEES

To adopt "An Ordinance Amending Durham City Code Section 23-40.1 Pertaining to Water and Sewer Capital Facility Fees."

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the October 9, 1997 Finance Committee Meeting was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: CAPITAL PROJECT ORDINANCE AMENDMENTS

MOTION by Council Member Larson seconded by Council Member Miller to adopt the "Capital Project Ordinance Amending Ordinance 10732 Concerning Computer Network Initiative";

October 6, 1997

To adopt the "Capital Project Ordinance Amending Ordinance 11171 Concerning Fleet Maintenance Parking Lot Improvements";

To adopt the "Capital Project Ordinance Amending Ordinance 11173 Concerning Affordable Housing";

To adopt the "Capital Project Ordinance Amending Ordinance 11182 Concerning Street Capacity and Safety Improvements";

To adopt the "Capital Project Ordinance Amending Ordinance 11190 Concerning Williams Water Treatment Plant Rehabilitation"; and

To repeal Ordinance 10783 a "Capital Project Ordinance Concerning Bridge Replacement" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11266

Ordinance #11267

Ordinance #11268

Ordinance #11269

Ordinance #11270

SUBJECT: DURHAM COMMUNITY PREVENTION PARTNERSHIP

MOTION by Council Member Larson seconded by Council Member Miller to reaffirm City Council's commitment to the Durham Community Prevention Partnership; and

To request the Mayor to send a letter to Durham Community Prevention Partnership informing them of Council's action or reaffirming its commitment to the Partnership was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: HOUSING APPEALS BOARD APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to appoint the following citizens to the Housing Appeals Board:

October 6, 1997

Harrell Chotas, Regular Member, representing Neighborhood Association category, term to expire June 30, 1998

Eric Kaminetzky, Alternate Member, representing Attorney category, term to expire June 30, 1998

James Lewis, Regular Member, representing Finance category, term to expire June 30, 1999

Anita W. Hammond, Alternate Member, representing At-Large category, term to expire June 30, 1998

Douglas Wright, Regular Member, representing Home Builder category, term to expire June 30, 1999

was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: HOUSEHOLD HAZARDOUS WASTE DISPOSAL CONTRACT, LAIDLAW ENVIRONMENTAL SERVICES, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an "Amendment to Agreement between Laidlaw Environmental Services (TS), Inc. and the County of Chatham, the County of Durham, the County of Orange, the County of Wake, the Town of Carrboro, the Town of Chapel Hill, and the City of Durham Concerning Household Hazardous Waste Collection" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STATUS REPORT CONCERNING NORTH CAROLINA CENTRAL UNIVERSITY'S TRAFFIC SAFETY ISSUES - CECIL AND FAYETTEVILLE STREETS

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration concerning NCCU's traffic safety issues; and

To direct the Administration to make a written request to the

October 6, 1997

North Carolina Department of Transportation to commence the design and installation of a traffic signal at the intersection of Cecil and Fayetteville Streets--funding to be provided by the City of Durham was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: REPORT ON THE PROPERTY AT 425 PILOT STREET IN THE FAYETTEVILLE/PILOT STREET REVITALIZATION AREA

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the property at 425 Pilot Street was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: RESPONSE TO FISHER HEIGHTS DRAINAGE COMPLAINT

To receive the investigation report from the Administration.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the October 13, 1997 Public Works Committee was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STREET ACCEPTANCE - NICHOLS FARM DRIVE AND DOVER RIDGE LANE

MOTION by Council Member Larson seconded by Council Member Miller to accept the following streets for maintenance by the City of Durham was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

- a. Nichols Farm Drive - from the centerline of Gunston Lane southward to the north ditch line of Holder Road (886')

October 6, 1997

- b. Dover Ridge Lane - from the east ditch line of Guess Road eastward to the end of existing pavement (160')

SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, October 20, 1997 for confirmation of the following assessment rolls was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

- a. **Sewer Main - Deep Wood Circle** from south property line of Tax Map 433-7-4 to north property line of Tax Map 433-7-6
- b. **Water Main - West Pettigrew Street** from Erwin Road to Swift Avenue

SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING PETITIONED IMPROVEMENTS

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for **water main on Heather Glen Road** from Russell Road to Falkirk Drive; **Falkirk Drive** from south property line of Tax Map 836-2-18 to east property line of Tax Map 836-3-30; **Westcott Place** from Heather Glen Road to cul-de-sac; **Perth Place** from Falkirk Drive to cul-de-sac; **Fairntosh Place** from Falkirk Drive to cul-de-sac and **St. Clair Place** from Falkirk Drive to cul-de-sac was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Miller to approve the three Time Payment Petitions as listed below was approved at 9:11 p.m. by the following vote: Ayes:

October 6, 1997

Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

1. Lottie J. Evans - 4609 West Avenue - Sewer Lateral and Sewer Capital Facility Fee
2. Curtis P. and Susan H. Gay - 4731 Heritage Drive - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
3. Buford Zalph Smith - 5909 Lake Elton Road - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee

SUBJECT: HANDICAP PARKING AND LOADING AND UNLOADING ZONE - SOUTH BRIGGS AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing handicap parking on the east side of S. Briggs Avenue in the area beginning at a point 110 feet south of the south curb line of Liberty Street, if extended, and extending for a distance of 25 feet southwardly; and

To adopt an ordinance establishing a loading and unloading zone on the east side of S. Briggs Avenue in the area beginning at a point 135 feet south of the south curb line of Liberty Street, if extended, and extending for a distance of 50 feet southwardly was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11271

Ordinance #11272

SUBJECT: STOP SIGNS - GROVE PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Lullwater Court at Southshore Parkway, south corner was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council

October 6, 1997

Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11273

SUBJECT: STOP SIGNS - HOPE VALLEY FARMS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs on Cook Road at Juliette Drive, northwest and southeast corners was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11274

SUBJECT: STOP SIGN - MEADOW LARK PLACE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Meadow Lark Place at High Meadow Road, southeast corner was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11275

SUBJECT: STOP SIGNS - PICKETT CROSSINGS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

- 1) Branchwood Drive at Cambridge Drive, southwest corner
- 2) Sugar Pine Lane at Branchwood Drive, northwest corner
- 3) Big Oak Court at Sugar Pine Lane, northeast corner

October 6, 1997

Ordinance #11276

SUBJECT: HANDICAP PARKING - SEDGEFIELD STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance repealing Ordinance #11218, adopted July 21, 1997, establishing handicap parking on the west side of Sedgefield Street in the area beginning at a point 30 feet south of the south curb line of F Street, if extended, and extending for a distance of 25 feet southwardly was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11277

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - ATTERBURY LANE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a 25 mile per hour speed limit on Atterbury Lane from Kendridge Drive to Mandel Road was approved at 9:11 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11278

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Water Main - Cook Road from Tall Oaks Drive to South Property Line of Tax Map 518-5-4

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public

October 6, 1997

hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution ordering water main improvements on Cook Road from Tall Oaks Drive to south property line of Tax Map 518-5-4 was approved at 9:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: Sewer Main - Gibson Road from Redgate Drive to West Property Line of Tax Map 593-1-4 (Enabling Act Authority)

To adopt a resolution ordering sewer main improvements on Gibson Road from Redgate Drive to west property line of Tax Map 593-1-4 under the Enabling Act Authority.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

City Engineer Ken Wright informed the council that this improvement was originally recommended by the County Health Department due to an emergency situation. Mr. Wright noted this improvement was no longer needed because the problem had been rectified. He asked that the public hearing be closed and the item referred to the administration.

Mayor Kerckhoff closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Wright to refer this item to the administration was approved at 9:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: Sewer Main - Pickett Road from Colony Road to U.S. 15-501 Bypass (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

October 6, 1997

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution ordering sewer main improvements on Pickett Road from Colony Road to U.S. 15-501 Bypass under the Enabling Act Authority was approved at 9:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STREET CLOSING - SC9614, 39,233 SQUARE FEET OF BYNUM STREET, 20,552 SQUARE FEET OF LEWIS STREET; 27,564 SQUARE FEET OF YEARBY STREET; 16,213 SQUARE FEET OF PACE STREET AND 23,318 SQUARE FEET OF GARDEN PLACE

To adopt an Order permanently closing 39,233 square feet of Bynum Street, 20,552 square feet of Lewis Street; 27,564 square feet of Yearby Street; 16,213 square feet of Pace Street and 23,318 square feet of Garden Place.

Duke University requests that this street closing be continued (without additional advertising) until the November 17, 1997 City Council Meeting.

MOTION by Council Member Larson seconded by Council Member Wright to continue this street closing without additional advertising until the November 17, 1997 City Council Meeting was approved at 9:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STREET CLOSING - SC97-4, 42,126± SQUARE FEET OF VANCE STREET

To adopt an Order permanently closing 42,126± square feet of Vance Street.

Duke University requests that this street closing be continued (without additional advertising) until the November 17, 1997 City Council Meeting.

MOTION by Council Member Larson seconded by Council Member Wright to continue this street closing without additional advertising until the November 17, 1997 City Council Meeting

October 6, 1997

was approved at 9:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: ZONING CASE P97-20, CRAIG DAVIS, SOUTHEAST CORNER OF MARTIN LUTHER KING, JR. PARKWAY AND UNIVERSITY DRIVE

Case: P97-20--Continued from the August 4, 1997 City Council Meeting

Applicant: Craig Davis

Location: 33.7 acre site on the southeast corner of the Martin Luther King Jr. Parkway and University Drive (Tax Map 434, Block 02, Lots 001C partial, 002 partial and 002C)

Request: Rezoning from OI-2(D) (General Office and Institutional District with Development Plan) to OI-2(D) (Change in Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and placing same in and establishing same as OI-2(D) (Change in Development Plan)

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

Note: A valid protest petition filed against this rezoning request.

Mayor Kerckhoff opened the public hearing.

Rick Prentis, representing the applicant, asked that this rezoning request be withdrawn. He stated if they withdraw this request it would allow them to work with the Knollwood Neighborhood to come up with a plan acceptable to them and the City.

John Chase, representing the Knollwood Neighborhood, asked that the residents be allowed to speak on this rezoning request this evening and the council vote on the request this evening. He stated the residents were not aware of the applicant's desire to withdraw the request until minutes before the meeting began.

October 6, 1997

Council Member Wright asked the administration if the council voted to allow the applicant to withdraw, what would be the timeframe the developer could submit another request.

Paul Norby, of the City/County Planning Department, noted that the Zoning Ordinance states that when an applicant withdraws, they must wait at least six months to re-submit a new application unless the revised application is a substantial departure from the previous plan. He noted when a zoning case is denied, the applicant must wait a year to submit a zoning application.

A motion was made by Council Member Cox not to accept the request for withdrawal and to hear the case this evening. This motion was seconded by Council Member Wright.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Clement to accept the request for withdrawal by the applicant was approved at 9:28 p.m. by the following vote: Ayes: Mayor Kerckhoff and Council Members Clement, Griffin, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tem Robinson and Council Members Hyman, Cox, Brown and Wright. Absent: Council Member Engelhard.

The public hearing was closed by Mayor Kerckhoff.

**SUBJECT: ZONING MATTER CASE P97-53, PACES DEVELOPMENT,
INTERSECTION OF CHAPEL HILL ROAD AND WATKINS ROAD**

Case: P97-53

Applicant: Paces Development

Location: The 25.48-acre site is located on the northwest corner of the intersection of Chapel Hill Road and Watkins Road. The site consists of several parcels of land, identified as Tax Map 483, Block 1, Lots 13 partial, 14 partial, and 15 partial, 17-21, 21A, 21B and 23

Request: Rezoning from R-20 (Residential 20) to RM-12(D) (Multi-Family Residential--Maximum of 12 Dwelling Units Per Acre with a Development Plan); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RM-12(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval 6-1

October 6, 1997

City Manager's Recommendation: Approval

Council Member Griffin stated he had no financial interest relative to this case; therefore, he would be voting.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Jack Markham, representing the applicant, spoke in support of the request. Along with the developer, Attorney Markham stated they have worked hard with the city staff to develop an economically viable project that meets the 2020 Plan preference for high density, residential supported future mass transit that protects the environmentally sensitive areas on and around the property, and it is compatible with the future uses on the adjoining properties.

Opponents

Debbie McCarthy, representing the Farrington HARP Neighborhood Association, noted the following: 1) The Southwest Durham Plan adopted in 1990 proposed medium density residential use (4 to 8 units per acres) for this site on its Future Land Use Map; 2) A rezoning notice did not appear on the site until after the Zoning Committee had already okayed the change; 3) A 292 unit apartment community at this location would add significant traffic to our neighborhood, perhaps creating pressure for a return of the "Deathstar" interchange at I-40 and Farrington Road; 4) The site is environmentally sensitive, containing 4 streams, a pond and wetlands; 5) The same developer is building another apartment community, "Alta Springs," on Barbee Chapel Road with an overall density of six; 6) In keeping with the Southwest Durham Plan, we recommend a density no greater than 8 units per acre at the Watkins Road site; and 7) The 2020 plan's "transit corridor" presumes a tremendously expensive and questionably effective concept (mass transit). It should not be the sole criterion for decision making with respect to development issues along Watkins and Farrington Roads.

Maslin Kain, a resident of Five Oaks, raised concern that no one was present to speak during the Zoning Committee's hearing on this request due to the absence of the rezoning notice on the site. Ms. Kain raised concern regarding the intense traffic problems. She also noted that the Transportation Department did not review the traffic at the Garrett Road/Old Chapel Hill Road intersection.

October 6, 1997

David Bowers, a resident of Five Oaks, stated that Old Chapel Hill Road was very heavily traveled at peak traffic times and the intersection of Watkins Road has very poor visibility in both directions. He noted he was aware of plans in the future [five years] to deal with traffic problems in the area; however, his concern was with safety today and tomorrow due to the location of the public school.

Charles Weil, a resident of Farrington Road, raised concern with the present traffic at Watkins Road. He noted a deputy sheriff was present at Githens Middle School every afternoon to make certain the buses can exit. He noted there were no lights or turn lanes at the intersection.

Ed Harrison, a resident of Newton Drive, spoke in support of the staff's recommendations for transportation improvements. As part of this development, Mr. Harrison asked the council to require widening of Watkins Road and Chapel Hill Road for bike lanes.

Rebuttal

Attorney Jack Markham stated if the project is approved, the applicant would be putting in the turn lanes and signals. Mr. Markham noted the proposal was in line with the city's adopted 2020 Plan.

Mayor Kerckhoff closed the public hearing.

A motion was made by Council Member Wright to approve the rezoning request. This motion was made by Council Member Clement.

Council Member Cox stated the traffic infrastructure was not yet in place to accommodate this development.

Earl Lewellyn, of the Transportation Department, stated that based on the traffic impact analysis and a signal study the staff recommended the following: 1) left turn lanes be added to each approach of the Chapel Hill Road/Watkins Road intersection; and 2) that a signal also be constructed at that intersection. Mr. Lewellyn stated the current Level of Service at the intersection was C and with a signal and turn lanes the Level Service would be B.

Dick Hails of the Planning Department briefed the council on the 2020 Plan, the Southwest Durham Plan and the Small Area Plan.

October 6, 1997

The applicant briefed council on the design of the building.

Attorney Jack Markham noted that the applicant was willing to make the preliminary elevations a part of the development plan with a proviso that the applicant must be able to change the colors as shown, change the location of materials as shown on the facades of building and to change domestic details on windows, doors, etc.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Brown to hold this rezoning request until the October 20, 1997 City Council Meeting to determine if the proposed rezoning request meets the goals of the 2020 Plan **FAILED** at 10:37 p.m. by the following vote: Ayes: Council Members Langley, Hyman, Cox, Larson and Brown. Noes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members McKissick, Clement, Miller, Griffin and Wright. Absent: Council Member Engelhard.

MOTION by Council Member Wright seconded by Council Member Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RM-12(D); F/J-B was approved at 10:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: Council Members Hyman, Cox and Brown. Absent: Council Member Engelhard.

[EXCUSE COUNCIL MEMBER HYMAN]

MOTION by Council Member Cox seconded by Council Member Miller to excuse Council Member Hyman from the meeting was approved at 10:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: ZONING MATTER CASE P97-56, WILLIAM AND PEGGY DICKERSON, 113 AND 115 NORTH HOOVER ROAD

Case: P97-56

Applicant: William and Peggy Dickerson

Location: 20,000 square feet located at 113 and 115 N.

October 6, 1997

Hoover Road on the west side of Hoover Road, north of NC 98
(Tax Map 356, Block 2, Lots 10 and 11)

Request: Rezoning from R-5 (Residential 5) District to CT(D)
(Commercial Trade with Development Plan) District; F/J-B
Overlay.

To adopt an ordinance amending the Zoning Ordinance, the same
being Chapter 24 of the Durham City Code, by taking the above
described property out of R-5 and placing same in and
establishing same as CT(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

Mayor Kerckhoff opened the public hearing on this rezoning
matter.

Mr. William Dickerson spoke in support of the request.

No one spoke in opposition. The public hearing was declared
closed.

MOTION by Council Member McKissick seconded by Council Member
Miller to adopt an ordinance amending the Zoning Ordinance,
the same being Chapter 24 of the Durham City Code, by taking
the above described property out of R-5 and placing same in
and establishing same as CT(D); F/J-B was approved at 10:40
p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor
Pro Tem Robinson and Council Members Brown, Clement, Cox,
Griffin, Langley, Larson, McKissick, Miller and Wright.
Noes: None. Excused Absence: Council Member Hyman.
Absent: Council Member Engelhard.

[OTHER MATTERS]

Taxicab Commission Report

To receive a report from the Taxicab Commission and to take
action on the following recommendations of the Taxicab
Commission--pursuant to Section 22-159.10 of the Durham City
Code:

a. Transfer of Operator's Licenses

- 1) Transfer of Operator's Licenses #125 and #194 from
Donnell Evans, E & E Cab Company, to James H. Bates

October 6, 1997

Taxicab Inspector's Recommendation: Approve transfer--in accordance with City Code

Taxicab Commission's Recommendation: Approve transfer; Vote 4-0

MOTION by Council Member Wright seconded by Council Member McKissick to approve the Taxicab Commission's recommendation [approve transfer of operator's licenses #125 and #194 from Donnell Evans, E & E Cab Company, to James H. Bates was approved at 10:40 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Excused Absence: Council Member Hyman. Absent: Council Member Engelhard.

- 2) Transfer of Operator's License #133 from Willie Weeks, III, Weeks' Cab Company, to Haroun M. Osman

Taxicab Inspector's Recommendation: Approve transfer--in accordance with City Code

Taxicab Commission's Recommendation: Approve transfer; Vote 4-0

MOTION by Council Member Wright seconded by Council Member McKissick to approve the Taxicab Commission's recommendation [approve transfer of operator's license #133 from Willie Weeks, III, Weeks' Cab Company, to Haroun M. Osman was approved at 10:40 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Excused Absence: Council Member Hyman. Absent: Council Member Engelhard.

- b. Violation of City Code, Section 22-56 (a-c) by Taxicab Operator (Expiration of Driver's Permit) - Algin Holloway

Taxicab Inspector's Recommendation: Suspend Taxicab Operator's License for Cab #88 for thirty (30) days

Taxicab Commission's Recommendation: Suspend Taxicab Operator's License for Cab #88 for thirty (30) days; Vote 4-0.

October 6, 1997

Algin Holloway addressed the council requesting approval of his taxicab operator's license. He stated this violation was an oversight on his part.

Council Member Brown asked if this type of violation and the recommended penalty had occurred in the past with any other driver(s).

Joan Apple, of the Transportation Department, replied yes in July 1996.

A motion was made by Council Member Clement to approve the Taxicab Operator's License for Cab #88, Algin Holloway. This motion was seconded by Council Member Miller.

Council Member McKissick requested a friendly amendment to the motion: That a formal letter of reprimand be placed in Mr. Holloway's file asking him not to repeat this infraction.

Council Member Clement accepted the friendly amendment.

MOTION by Council Member Clement seconded by Council Member Miller to approve the Taxicab Operator's License for Cab #88, Algin Holloway and to place a formal letter of reprimand in Mr. Holloway's file asking him not to repeat this infraction was approved at 10:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Excused Absence: Council Member Hyman. Absent: Council Member Engelhard.

SUBJECT: DURHAM AREA TRANSIT AUTHORITY (DATA) ORGANIZATIONAL STRUCTURE

MOTION by Council Member Larson seconded by Council Member McKissick to rescind Ordinance #9177 and to adopt "An Ordinance Establishing a Public Transportation Authority" comprising Attachment A, thereby establishing the Durham Area Transit Authority as the policy making body, but not the legal authority, for public mass transit services with limited powers as described within Alternative A and in Attachment C was approved at 10:58 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick and Miller. Noes: Council Member Wright. Excused Absence: Council Member Hyman. Absent: Council Member Engelhard.

October 6, 1997

Ordinance #11279

SUBJECT: NEW HOPE COMMONS REVISED SITE PLAN

To receive an oral report from the Administration concerning a revised site plan for New Hope Commons.

To approve a major site plan revision for New Hope Commons, zoned SC-(D), located in the northwest quadrant of Mt. Moriah/15-501 intersection, behind the existing New Hope Commons Shopping Center along Dry Creek (Tax Map 477-2-1, 3A, 5, 6) in order to allow the reconstruction of the north retaining wall and the correction of other problems on the site, subject to corrections of minor details regarding landscaping.

A motion was made by Council Member Clement to approve the item as printed. This motion was seconded by Council Member Griffin.

Clay Shephard, of the City/County Planning Department, stated the staff recommended approval with minor corrections. He noted all the corrections have been agreed to by the applicant except for the following condition: That a 12 foot public trail easement located within the 12 foot maintenance area must be dedicated within 30 days after approval of this site plan.

Paul Norby, of the City/County Planning, asked that the condition be made a part of council's motion.

Council Member McKissick requested that the condition relative to the 12 foot public trail easement be added to the motion as a friendly amendment.

Attorney Ken Spaulding, representing C. C. Mangum, stated he could not speak for the owner and asked the council to consider approving the site plan without the condition.

Edward Sullivan, a representative of Developers Diversified, stated he would recommend to the company the condition regarding the 12 foot public trail easement; however, he could not make the commitment this evening on behalf of the owner at this time.

MOTION by Council Member Clement seconded by Council Member

October 6, 1997

Griffin to receive an oral report from the Administration concerning a revised site plan for New Hope Commons;

To approve a major site plan revision for New Hope Commons, zoned SC-(D), located in the northwest quadrant of Mt. Moriah/15-501 intersection, behind the existing New Hope Commons Shopping Center along Dry Creek (Tax Map 477-2-1, 3A, 5, 6) in order to allow the reconstruction of the north retaining wall and the correction of other problems on the site, subject to corrections of minor details regarding landscaping; and that a 12 foot public trail easement located within the 12 foot maintenance area must be dedicated within 30 days after approval of this site plan was approved at 11:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Excused Absence: Council Member Hyman. Absent: Council Member Engelhard.

[EXCUSE COUNCIL MEMBER MCKISSICK]

MOTION by Council Member Cox seconded by Council Member Miller to excuse Council Member McKissick from the meeting was approved at 11:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Excused Absence: Council Member Hyman. Absent: Council Member Engelhard.

SUBJECT: TRANSPORTATION IMPROVEMENT PROGRAM (TIP) STATUS REPORT AND 1999-2005 TIP PROJECT PRIORITY LIST

MOTION by Council Member Wright seconded by Council Member Clement to receive a report from the Administration concerning the Transportation Improvement Program;

To adopt a "Resolution Concerning the Transportation Projects Contained in the FY 1998-2004 Transportation Improvement Program (TIP) and to Endorse a Project Priority List for the FY 1999-2005 TIP"; and

To request the Mayor, on behalf of the Durham City Council, to send a letter to the North Carolina Department of Transportation and to the Governor deploring the continued inclusion of "Eno Drive" in the TIP Plan and requesting that the scheduled I-85 improvements be expedited was approved at

October 6, 1997

11:17 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

Resolution #8399

SUBJECT: PROPOSED CONTRACT OF PURCHASE AND SALE BETWEEN NORFOLK SOUTHERN RAILWAY COMPANY AND THE CITY OF DURHAM - AMERICAN TOBACCO TRAIL

MOTION by Council Member Wright seconded by Council Member Miller to approve the Contract of Purchase and Sale to acquire approximately 5.2 acres of abandoned rail corridor for the American Tobacco Trail for \$16,000 per acre from Norfolk Southern Railway Company; and

To authorize the City Manager to execute the Contract to acquire the abandoned rail right-of-way was approved at 11:17 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

SUBJECT: PROPOSED ACQUISITION OF A WATER MAIN EASEMENT FOR THE EASTERN REINFORCING MAIN - PROPERTY OF DR. AND MRS. J. BRICE WEINBERG, 2617 SNOW HILL ROAD

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of a water main easement containing approximately 34,000 square feet, across the property of Dr. and Mrs. J. Brice Weinberg, 2617 Snow Hill Road, Tax Map 828-01-003C, for \$30,000 was approved at 11:17 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

SUBJECT: PROJECT AGREEMENT - HURRICANE FRAN STREAM DEBRIS REMOVAL - U. S. NATURAL RESOURCES CONSERVATION SERVICE

October 6, 1997

MOTION by Council Member Wright seconded by Council Member Miller to authorize the City Manager to execute a project agreement with the U. S. Natural Resources Conservation Service to remove Hurricane Fran stream debris; and

To adopt a "City of Durham Grant project Ordinance Hurricane Fran Stream Debris Removal" was approved at 11:18 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

Ordinance #11284

SUBJECT: WATER SERVICE FOR RESIDENTIAL OUTDOOR WATER AND IRRIGATION

To approve the "cowhorn" concept as a second, water-only service for irrigation purposes for single-family residential customers at a charge of \$450 and that no Capital Facility Fee be charged for such an installation.

MOTION by Council Member Wright seconded by Council Member Miller to refer this item to the Public Works Committee was approved at 11:18 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

SUBJECT: STATIONARY CONTAINER POLICY

To retain the current service level and fee schedule for stationary container service through the remainder of Fiscal Year 1997-98.

To pursue a legislative remedy that will allow the City to pay for stationary container service that serve housing units that qualify for rollout service.

To adopt an "Ordinance Amending Chapter 10 of the Durham City Code Relating to Garbage Collection."

To direct the Administration to investigate the feasibility of charging the full cost of stationary container service in

October 6, 1997

Fiscal Year 1998-99.

MOTION by Council Member Wright seconded by Council Member Miller to refer this item to the Public Works Committee was approved at 11:18 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

[ITEMS PULLED FROM THE CONSENT AGENDA]

**SUBJECT: USE OF CONTROLLED SUBSTANCE TAX DISTRIBUTION FUND
TO PURCHASE TWO POLICE CANINES**

To authorize the use of Controlled Substance Tax Distribution Funds in an amount up to \$7,400 to purchase two police canines.

Brother Melvin Muhammad spoke in support of this item. Also, Mr. Muhammad raised concern with police brutality in the Durham Police Department.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Controlled Substance Tax Distribution Funds in an amount up to \$7,400 to purchase two police canines was approved at 11:29 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Excused Absence: Council Members Hyman and McKissick. Absent: Council Member Engelhard.

**SUBJECT: PROPOSED LEASE OF PROPERTY AT 119-121 ORANGE
STREET, JAMES H. HANNA, JR. (ORANGE STREET MALL)**

To approve and authorize the City Manager to execute a lease agreement with James H. Hanna, Jr. for property at 119-121 Orange Street.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the administration was approved at 11:30 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Member Engelhard. Excused Absence:

October 6, 1997

Council Members Hyman and McKissick.

SUBJECT: RESOLUTION PROVIDING FOR A COUNCIL-INITIATED PUBLIC HEARING - CASE P97-61, AL HIGHT, 2300 SOUTH MIAMI BOULEVARD AND ELLIS ROAD

MOTION by Council Member Larson seconded by Council Member Clement to adopt a resolution setting a public hearing on Monday, October 20, 1997 on the following Council-initiated rezoning case **FAILED** at 11:31 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley and Miller. Noes: Mayor Kerckhoff and Council Members Cox, Larson and Wright. Absent: Council Member Engelhard. Excused Absence: Council Members Hyman and McKissick.

Case: P97-61

Applicant: Al Hight

Location: 34.35 acres abutting 2300 S. Miami Boulevard and Ellis Road, west of Rochelle Street and Methodist Street (Tax Map 644-1-2, 1, 19.

Request: Rezoning from R-20 (Residential 20) and NC (Neighborhood Commercial) to RM-16(D) (Multi-Family Residential--Maximum of 16 Dwelling Units Per Acre with a Development Plan)

There being no further business to come before the Council, the meeting was adjourned at 11:31 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk